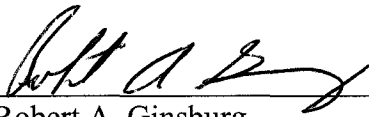


MEMORANDUM

Agenda Item No. 7(C)

TO:	Honorable Chairman Joe A. Martinez and Members, Board of County Commissioners	DATE	(Second Reading 05-03-05) March 1, 2005
FROM:	Robert A. Ginsburg County Attorney	SUBJECT:	Ordinance relating to annexations & incorporations; deleting references to the Boundaries Commission

The accompanying ordinance was prepared and placed on the agenda at the request of Commissioner Natacha Seijas.


Robert A. Ginsburg
County Attorney

RAG/jls

Memorandum



Date: May 3, 2005

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

A handwritten signature in black ink, appearing to read "Burgess", written over the printed name of George M. Burgess.

Subject: Ordinance relating to annexations and incorporations; deleting references to the Boundaries Commission

This ordinance relating to annexations and incorporations deleting references to the Boundaries Commission will have no fiscal impact to Miami-Dade County.

The amendment modifies the process for the review of proposed annexations and incorporations by removing the Boundaries Commission from the process and creating a committee within the PAB that will have responsibilities similar to those of the Boundaries Commission. County resources currently used to support the Boundaries Commission will be available and assigned to support the additional responsibilities.

A handwritten signature in black ink, appearing to read "Alex", written over a horizontal line.

Assistant County Manager



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: May 3, 2005

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 7(C)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved _____ Mayor

Veto _____

Override _____

Agenda Item No. 7(c)

05-03-05

ORDINANCE NO. _____

ORDINANCE RELATING TO ANNEXATIONS AND INCORPORATIONS; DELETING REFERENCES TO THE BOUNDARIES COMMISSION; TRANSFERRING BOUNDARIES COMMISSION REVIEW CRITERIA TO PLANNING ADVISORY BOARD (PAB); MODIFYING PROCEDURES FOR COUNTY STAFF AND PAB REVIEW OF PROPOSED ANNEXATIONS AND INCORPORATIONS; DELETING SECTION 20-30 THROUGH 20-32 AND AMENDING SECTIONS 20-6, 20-7, 20-22, AND 20-23 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Sections 20-30 through 20-32 of the Code of Miami-Dade County, Florida, are hereby deleted in their entirety.

Section 2. Sections 20-6 AND 20-7 of the Code of Miami-Dade County, Florida, are hereby amended to read as follows:¹

Sec. 20-6. Consideration by Planning Advisory Board.

- (a) The Planning Advisory Board, upon receipt of a petition or resolution referred by the County Commission ~~[[and the recommendation of the Boundaries Commission,]]~~ shall study, review and consider the request for boundary changes embodied therein. >>The chair of the Planning Advisory Board shall appoint a committee of the Board as well as a chair for such committee for the purpose of

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

studying and making a report and recommendation to the full Board on the boundary change request. In making its recommendation to the full Board, the committee shall utilize the guidelines set forth in subsection (b).<< The Planning Advisory Board, in its discretion, may conduct a public hearing in respect to such proposed boundary changes and hear from all interested persons; the Board may require the petitioners or the municipality to furnish any additional information, data or instruments deemed necessary or desirable for consideration of such request. If the Planning Advisory Board conducts a public hearing in respect to such proposed boundary changes, it shall give written notice of such hearing to all owners of property within the area and within six hundred (600) feet thereof. The cost of such notice shall be paid by the individual, group or municipality initiating the proposed change.

Before the Planning Advisory Board studies and reviews the request, the annexation report will be reviewed by the appropriate County personnel~~[[and by the Boundaries Commission]]~~. The statements contained in the annexation report pertaining to the quality, quantity, cost and timing of the services the municipality will extend to the areas requested for annexation will be reviewed by the appropriate County department to determine if the services proposed are adequate. The statements pertaining to the financing of the services and analysis of the tax load on the area to be annexed will be reviewed by the Miami-Dade County Budget Officer. Upon completion of these reviews, the entire application will be ~~[[processed]]~~ >> reviewed in accordance with this section <<by ~~[[the Boundaries Commission and]]~~ the Planning Advisory Board and then forwarded to the County Manager's office for ~~[[his]]~~ review and recommendation prior to submittal to the Board of County Commissioners for their consideration.

- (b) The Planning Advisory Board shall make written recommendations to the County Commission concerning such proposed boundary changes. Copies of such recommendations shall be filed with the Clerk of the County Commission, and copies shall be mailed to a representative of the petitioners or the municipality. >>In evaluating the appropriateness of a boundary change request, the Planning Advisory Board shall consider the

guidelines in Section 20-7, as well as whether the annexation:

- (1) will divide a historically recognized community;
- (2) will if approved result in an annexation area that is compatible with existing planned land uses and zoning of the municipality to which the area is proposed to be annexed;
- (3) will, if currently qualified, continue to be eligible for any benefits derived from inclusion in federal or state enterprise zones, or targeted area assistance provided by federal, state and local government agencies;
- (4) will impact public safety response times;
- (5) will introduce barriers to municipal traffic circulation due to existing security taxing districts, walled communities and/or private roads;
- (6) to the degree possible, will be served by the same public service franchises, such as cable and communication services, as the existing municipality, or will it have full access to all available municipal programming through its franchises provider;
- (7) if identified by the federal government as a flood zone or by emergency planners as an evacuation zone, has the annexing municipality indicated its preparedness to address any extraordinary needs that may arise;
- (8) will be connected to municipal government offices and commercial centers by public transportation; and
- (9) to the degree possible, will be contained in one or more school district boundaries governing admission to elementary, middle and high schools as the adjoining municipal area.

(c) The Planning Advisory Board's recommendation to the Board of County Commissioners shall be either:

- (1) Approval of the proposed boundary change;
- (2) Approval of the proposed boundary change on a modified basis;
- (3) Deferral of the proposed boundary change for more information;
- (4) Deferral of the proposed boundary change to permit modification; or
- (5) Denial of the proposed boundary change.<<

Sec. 20-7. Public hearing.

The Clerk of the County Commission, upon receipt of the recommendations of the Planning Advisory Board~~[[and the Boundaries Commission]]~~, shall set the matter of such proposed boundary changes for public hearing at a regular meeting of the County Commission and cause notice of such public hearing to be published in a daily newspaper of general circulation in Miami-Dade County at least once not less than one (1) week prior to the date of such public hearing. Notice of such public hearing shall be furnished to a representative of the petitioner or the municipality initiating the proposed boundary change and to all property owners within the area and within six hundred (600) feet thereof. The cost of such notice shall be paid by the individual, group or municipality initiating the proposed change. At such public hearing, the County Commission shall review and consider the recommendations of the Planning Advisory Board, and shall afford to all interested persons an opportunity to be heard upon the merits and propriety of the proposed boundary changes.

* * *

Section 3. Sections 20-22 and 20-23 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 20-22. Planning Advisory Board's consideration of petition for incorporation.

* * *

(B) The Director of the Office of Management and Budget, upon receipt of recommendations of other departments, shall prepare a report on the petition containing the following information:

- (1) Summary of petition,
- (2) Socio-economic profile of area,
- (3) Development profile of area, and
- (4) Other information outlined in Section 20-23(B)(1).

The report shall be transmitted to ~~[[the Boundaries Commission and]]~~ the Planning Advisory Board.

(C) The Planning Advisory Board, upon receipt of a petition and appropriate County department staff review and >>comment<< ~~[[recommendation, and the recommendation of the Boundaries Commission]]~~ shall:

>>(1) Create a five-member committee of the Planning Advisory Board appointed by its chair for the purpose of studying and making a recommendation to the full Board on the petition. The chair of the Planning Advisory board shall designate a chair for such committee. In making its report and recommendation to the full Board the committee shall utilize the guidelines set forth subsection (4).<<

~~[[(4)]]~~ >>(2) << Conduct a properly advertised public hearing within the area proposed for incorporation.

~~[[(2)]]~~ >>(3) << Require additional information from appropriate County departments as needed.

[[~~(3)~~]]>>(4)<<Make written recommendations with respect to the petition which shall include the following:

(a) An analysis of the issues outlined in Section 20-23(B);

>>(b) Whether the proposed incorporation:

- (1) will divide a historically recognized community;
- (2) is compatible, to the degree possible, with existing planned land uses and zoning of the areas surrounding the proposed municipality;
- (3) will, if currently qualified, continue to be eligible for any benefits derived from inclusion in federal or state enterprise zones, or targeted area assistance provided by federal, state and local government agencies;
- (4) will impact public safety response times;
- (5) creates barriers to municipal traffic circulation due to existing security taxing districts, walled communities and/or private roads;
- (6) if identified by the federal government as a flood zone or by emergency planners as an evacuation zone, has the proposed municipality indicated its preparedness to address any extraordinary needs that may arise;
- (7) to the degree possible, will be contained in one or more school district boundaries governing admission to elementary, middle and high schools.<<

~~[[(b)]]~~ >> (c) << Other considerations deemed relevant by the Board

>> (D) The Planning Advisory Board recommendation to the Board of County Commissioners shall be either:

- (1) Approval of the petition;
- (2) Approval of the petition on a modified basis;
- (3) Deferral of the petition for more information;
- (4) Deferral of the petition to permit modification; or
- (5) Denial of the petition. <<

~~[[(D)]]~~ >> (E) << The Director of the Office of Management and Budget shall forward the petition and recommendations of the Planning Advisory Board ~~[[and County staff]]~~ to the County Manager for review and recommendation. The County Manager shall transmit the petition >>, << ~~[[as well as]]~~ the recommendations of the Planning Advisory Board ~~[[Boundaries Commission]]~~ and County Manager to the Clerk of the Board of County Commissioners.

* * *

Sec. 20-23. Board of County Commissioners consideration of proposed incorporation petition.

* * *

(B) At the conclusion of the public hearing the Board of County Commissioners, in evaluating the appropriateness of a petition for incorporation, shall consider the following guidelines:

* * *

- (9) Any other factor that arises by virtue of recommendations of the ~~[[Boundaries Commission]]~~ >> Planning Advisory Board <<,

pursuant to Section ~~[[20-30]]~~ >>20-22<< of the
Code.

* * *

Section 4. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 5. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 6. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

RAG

Prepared by:

CAC

Craig H. Collier

Sponsored by Commissioner Natacha Seijas